

108TH CONGRESS  
2D SESSION

# S. 2883

To amend the International Child Abduction Remedies Act to limit the tort liability of private entities or organizations that carry out responsibilities of the United States Central Authority under that Act.

---

## IN THE SENATE OF THE UNITED STATES

OCTOBER 1, 2004

Mr. HATCH (for himself and Mr. LEAHY) introduced the following bill; which was read twice, considered, read the third time, and passed

---

## A BILL

To amend the International Child Abduction Remedies Act to limit the tort liability of private entities or organizations that carry out responsibilities of the United States Central Authority under that Act.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Prevention of Child  
5       Abduction Partnership Act”.

1 **SEC. 2. LIMITATION ON LIABILITY.**

2 Section 7 of the International Child Abduction Rem-  
3 edies Act (42 U.S.C. 11606) is amended by adding at the  
4 end the following new subsection:

5 “(f) LIMITED LIABILITY OF PRIVATE ENTITIES ACT-  
6 ING UNDER THE DIRECTION OF THE UNITED STATES  
7 CENTRAL AUTHORITY.—

8 “(1) LIMITATION ON LIABILITY.—Except as  
9 provided in paragraphs (2) and (3), a private entity  
10 or organization that receives a grant from or enters  
11 into a contract or agreement with the United States  
12 Central Authority under subsection (e) of this sec-  
13 tion for purposes of assisting the United States Cen-  
14 tral Authority in carrying out its responsibilities and  
15 functions under the Convention and this Act, includ-  
16 ing any director, officer, employee, or agent of such  
17 entity or organization, shall not be liable in any civil  
18 action sounding in tort for damages directly related  
19 to the performance of such responsibilities and func-  
20 tions as defined by the regulations issued under sub-  
21 section (c) of this section that are in effect on Octo-  
22 ber 1, 2004.

23 “(2) EXCEPTION FOR INTENTIONAL, RECKLESS,  
24 OR OTHER MISCONDUCT.—The limitation on liability  
25 under paragraph (1) shall not apply in any action in  
26 which the plaintiff proves that the private entity, or-

1       ganization, officer, employee, or agent described in  
2       paragraph (1), as the case may be, engaged in inten-  
3       tional misconduct or acted, or failed to act, with ac-  
4       tual malice, with reckless disregard to a substantial  
5       risk of causing injury without legal justification, or  
6       for a purpose unrelated to the performance of re-  
7       sponsibilities or functions under this Act.

8               “(3) EXCEPTION FOR ORDINARY BUSINESS AC-  
9       TIVITIES.—The limitation on liability under para-  
10      graph (1) shall not apply to any alleged act or omis-  
11      sion related to an ordinary business activity, such as  
12      an activity involving general administration or oper-  
13      ations, the use of motor vehicles, or personnel man-  
14      agement.”.

○